

REMARKS

The Specification has been amended to include the ATCC deposit information. A receipt from ATCC is attached. Applicant has amended claims 1, 2, and 5-7. Claims 9-22 have been canceled and new claims 23-34 have been added. These changes have been made to place the claims in better form for examination and to further obviate the 35 U.S.C. §§102(b), 103(a) and 112 rejections as set forth in the Office Action dated September 27, 2005. It is believed that none of these amendments constitute new matter. It is submitted that these amendments obviate the rejections. Withdrawal of these rejections is respectfully requested.

The Examiner has objected to claims 1, 2, 7, 12, 14 and 16 for the inclusion of a blank line where the ATCC Accession number should be. Applicant has amended claims 1, 2, and 7 to include the ATCC Accession Number and has canceled claims 9-22. Withdrawal of this objection is respectfully requested.

The Examiner has rejected claims 1, 2, 6, 7, 12, 14, 16-18 and 21 and claims 3-6, 8-11, 13, 15, 19 and 22 dependent thereon, under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Specifically, the Examiner has rejected claims 1, 2, 7, 12, 14 and 16, and claims 3-6, 9-11, 13, 15, and 17-22 dependent thereon, as being indefinite in that the recitation of "a soybean seed designated S030150" does not clearly identify the claimed soybean cultivar and seed and does not set forth the metes and bounds of the claimed invention. Applicant has amended claims 1, 2 and 7 to include the ATCC Accession Number and has canceled claims 9-22. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claim 6 for improper antecedence. Applicant has amended claim 6. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claim 12 as being indefinite in that it is drawn to producing a soybean variety S030150-derived soybean plant by crossing said plant with a second soybean plant to produce progeny seed. Applicant has canceled claim 12. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claim 12 as being indefinite in the recitation of "crossing soybean variety". Applicant has canceled claim 12. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 16 and 17 as being indefinite and confusing in that they appear to be duplicates of claims 14 and 15. The applicant has canceled claims 14, 15, 16 and 17. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 18 and 21 as being indefinite in that "herbicide resistance, insect resistance and disease resistance" are not transgenes. Applicant has canceled claims 18 and 21. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 9-22 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicant has canceled claims 9-22. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 1-22 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has amended claims 1, 2 and 7 to include the ATCC Accession Number. Additionally, the undersigned avers that:

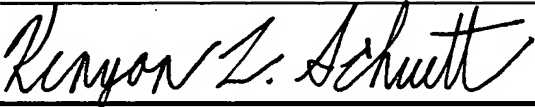
- (a) access to the invention will be afforded to the Commissioner during the pendency of the application;
- (b) all restrictions upon availability to the public will be irrevocably removed upon the granting of a patent;
- (c) the deposit will be maintained in a public depository for a period of 30 years or 5 years after the last request or for the enforceable life of the patent;
- (d) the viability of the biological material at the time of deposit was tested; and
- (e) the deposit will be replaced if it should ever become inviable or when requested at ATCC.

Accordingly, withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 9-22 under 35 U.S.C §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Patent 6,259,001.

Applicant has canceled claims 9-22. Withdrawal of this rejection is respectfully requested.

In view of the above amendments and remarks, it is submitted that the claims satisfy the provisions of 35 U.S.C. §§102(b), 103(a) and 112. Reconsideration of this application and an early notice of allowance are respectfully requested.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED					
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From: ATCC Patent Depository **Number of pages:** 1 (Including this page)

REFERENCE: Patent Deposit

Description: Soybean *Glycine max* (L.): S22207 assigned ATCC No. PTA-7162,
(Ref.: Docket or Case No.: 1421-085)
Soybean *Glycine max* (L.): S030150 assigned ATCC No. PTA-7163,
(Ref.: Docket or Case No.: 1421-136)
Soybean *Glycine max* (L.): S040127 assigned ATCC No. PTA-7164,
(Ref.: Docket or Case No.: 1421-181)
Soybean *Glycine max* (L.): 94137321 assigned ATCC No. PTA-7165,
(Ref.: Docket or Case No.: 1421-131)
Soybean *Glycine max* (L.): 0491718 assigned ATCC No. PTA-7166,
(Ref.: Docket or Case No.: 1421-104)
Soybean *Glycine max* (L.): S022210 assigned ATCC No. PTA-7167, and
(Ref.: Docket or Case No.: 1421-095)
Soybean *Glycine max* (L.): S040118 assigned ATCC No. PTA-7168.
(Ref.: Docket or Case No.: 1423-060)

Date of Deposit: October 7, 2005. The ATCC Certificate of Deposit will be forwarded to you within 30 days. The following fees will be invoiced:

Total fees for PTA-7162 to PTA-7168 \$17,500.00
(storage/informing/viability testing)


Tanya Nally, Patent Specialist
ATCC Patent Depository

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